



Cedar City

10 North Main Street • Cedar City, UT 84720
435-586-2950 • FAX 435-586-4362
www.cedarcity.org

Mayor

Maile L. Wilson

Council Members

Ronald R. Adams
John Black
Paul Cozzens
Don Marchant
Fred C Rowley

City Manager

Rick Holman

CITY COUNCIL WORK MEETING

NOVEMBER 18, 2015

Immediately following the City Council Action Meeting

The City Council meeting will be held in the Council Chambers at the City Office, 10 North Main Street, Cedar City, Utah. The agenda will consist of the following items:

- I. Call to Order
- II. Business Agenda
Public
 1. Request for angle parking at 140 East 200 North for the Department of Workforce Services – John Miller & Ray Caldwell
 2. Consider a resolution amending the City's General Land Use Plan from Highway Commercial to High Density Residential on approximately one (1) acre of property located in the vicinity of 200 North and 300 West – InSite Engineering/Paul Bittmenn
 3. Public Hearing to consider rezoning from Highway Services (HS) to High Density Residential Dwelling, Multiple Unit (R-3-M) on approximately one (1) acre of property located in the vicinity of 200 North and 300 West – InSite Engineering/Paul BittmennStaff
 4. Consider a resolution pertaining to fee waivers – Paul Bittmenn
 5. Consider the 2016 meeting schedule – Renon Savage
 6. Closed session – Reasonably Imminent Litigation/Property Negotiations

Dated this 16th day of November, 2015.


Renon Savage, MMC
City Recorder

CERTIFICATE OF DELIVERY:

The undersigned duly appointed and acting recorder for the municipality of Cedar City, Utah, hereby certifies that a copy of the foregoing Notice of Agenda was delivered to the Daily News, and each member of the governing body this 16th day of November, 2015.


Renon Savage, MMC
City Recorder

Cedar City Corporation does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

If you are planning to attend this public meeting and, due to a disability, need assistance in accessing, understanding or participating in the meeting, please notify the City not later than the day before the meeting and we will try to provide whatever assistance may be required.

CEDAR CITY COUNCIL
AGENDA ITEMS - 2 & 3
DECISION PAPER

TO: Mayor and City Council

FROM: City Attorney

DATE: November 16, 2015

SUBJECT: General Land Use Plan and Zoning Amendment for property located in the vicinity of 200 North and 300 West.

DISCUSSION:

This is a proposal to amend the City's general land use plan and the City's zoning designation for approximately 1.65 acres of property located at the South West Corner of the intersection of 200 North and 300 West. The General Land Use amendment and Zone amendment are 2 items on your agenda. This decision paper will discuss both items.

General Land Use Amendment

Cedar City has used master plans or General land use plans since 1972. As stated in the current Cedar City General Land Use Plan its purpose is:

This General Plan is a policy document reflecting the general interests of the community. It is designed to guide decisions and establish priorities affecting the future development within the city and thereby, assist in defining the character of the community. This document details goals, objectives and strategies to enable Cedar City to: Grow in a logical, orderly, and safe fashion Designate areas within the City that will appropriately foster: • The arts, culture and preservation of history • Recreational, leisure and educational opportunities • Retail, business, tourism and industrial development, • A variety of housing types within then community Development that occurs in such a manner will serve to promote the health, safety, order, convenience, prosperity, and general welfare of the community for both its citizens and its businesses. The plan seeks to capitalize on the advantages that growth presents while minimizing any undesirable impacts as a result of new development occurring in a manner that is contrary to the community's values, goals and desires. Thus, the General Plan is a comprehensive approach to the long-range development of Cedar City. The individual sections of the plan deal with specific areas of planning concern within the total range of planning issues. The plan provides for an integrated approach to the issues while focusing on the major concerns of the community, both immediate and long-term. The General Plan does not affect existing Development Agreements that were approved prior to this General Plan being approved.

The City is able to amend its general land use plan. The owners of the property at described in the attached Resolution have petitioned the City to change the general land use plan designation

for the property in question to High Density Residential. Currently the general land use designation of the property is split between Highway and Regional Commercial Services and Medium Density Residential.

A public hearing was held before the Planning Commission in October and there was no public comment on the proposed amendment. The minutes of the Planning Commission are attached. Also attached is a map of the property and a resolution that would effectuate the change to the City's General Land Use Plan.

Please consider amending the City's general land use plan.

Zoning Amendment

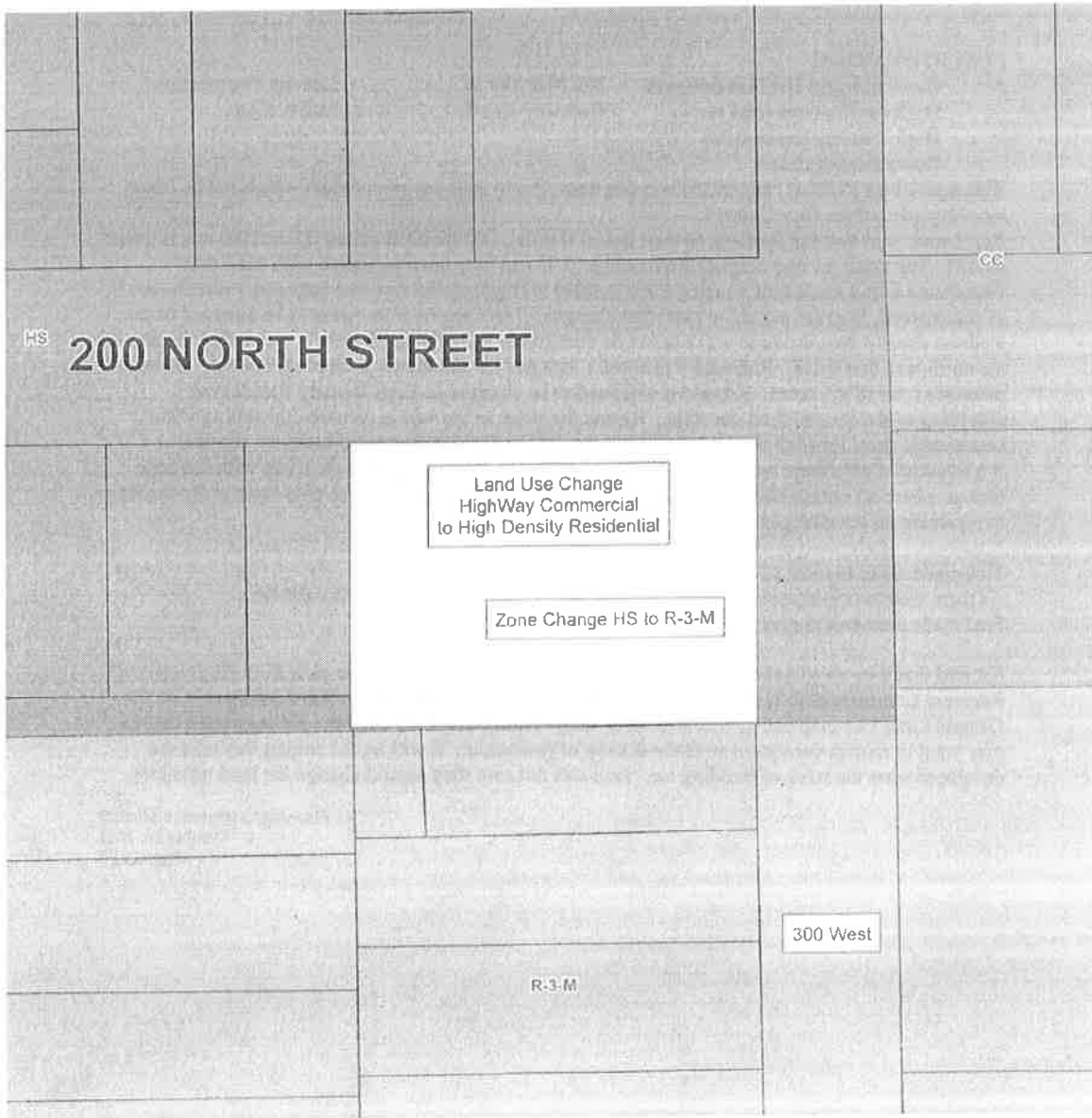
Where the General Land Use Plan is the document that tells property owners and developers where the City wants to go the Zoning of the property tells property owners and developers what restrictions the City places on the use of their property.

The property described in the attached ordinance is currently zoned a combination of Highway Services (HS) and Residential -3, Dwelling Multiple Unit (R-3-M). The proposed ordinance would change the entire property to R-3-M.

The planning commission has considered this proposal during a public meeting. This is a public hearing required by City Ordinance prior to voting on a zone change. The Public hearing has been duly advertised.

Attached is a map of the property, an ordinance that if approved will change the zone for the entire property to R-3-M, and the minutes of the Planning Commission.

Please hold the public hearing, receive public input, and consider the requested zone change.



PUBLIC HEARING

3- General Land Use Amendment Highway/Commercial to High Density Residential (Recommendation)	200 N & 300 W Gateway North	Leavitt Foundation/ InSite Eng.
--	--	--

Rich opened the PUBLIC HEARING on this item. It is a land use amendment which is also being recommended to the City Council.

Ron Larsen said that the frontage of their parcel fronting 200 North is zoned HS and the rest is zoned R-3-M. The north lot was originally owned by SUU and they have partnered with the Leavitt Foundation to put in student housing there. As that is Highway Service and they don't want to use it as commercial, they are asking to have that changed. The General Plan needs to be changed to the medium density then the zone will need to be changed to R-3-M like the rest. It was asked the size of the north area that is HS. Ron said it is about 1 acre and the remainder is about 2.5 acres. The entire piece is a total of 3.5 acres. Kit said it will need to be changed to High Density Residential according to the general land use map. Across the street to the east is commercial zoning with commercial uses. Ron felt they were pushing the limits of where they need highway service. It was asked if neighbors were notified of these changes. Yes, this is an item along with the zone change where all within 300' of this parcel have been notified. There were no people at the meeting to comment on the changes of this public hearing.

This made sense to most of the members.

As there were no comments from anyone else, Rich closed the PUBLIC HEARING.

Fred made a motion to give a positive recommendation to City Council.

Kit said that they should clarify that this will change the General Land Use plan from Highway and Regional Commercial to High Density Housing. Rick pointed out that the surrounding area on the General Land Use map shows this area all as single family- medium density. He suggested that they may want to remain consistent with the density of residential. It will be the zoning that tells the developer what the rules of building are. Paul was not sure they should change the land use along

the 200 North frontage to High density residential, plus they did not advertise or tell anyone that is what they were planning to change that to. Fred wondered if everyone on the Plannign Commission was okay with them changing the piece to High density residential. All agreed.

Fred still had a motion on the table to give this a positive recommendation to City Council to change the General Land Use map from Highway & Regional Commercial to High Density Residential. Seconded by Chris and the vote was unanimous.

- | | | |
|--|--------------------------------|------------------------------------|
| 4- Zone Change HS to R-3-M
(Recommendation) | 200 N & 300 W
Gateway North | Leavitt Foundation/
InSite Eng. |
|--|--------------------------------|------------------------------------|

Ron L. said this was the same property, they will need to change it all to the R-3-M zone.

Rich said he had heard that SUU would keep the monument sign on that corner. Ron said they had agreed between SUU and the Leavitt's to keep that sign on the corner. Ron said they also want this project to move forward quickly so students can be in this housing by next fall. He said the buildings will be set back away from the streets to leave room for some landscaping.

Chris made the motion to give the City Council a positive recommendation for this zone change in the area of 200 N and 300 W from HS to R-3-M. Seconded by Mary and the vote was unanimous.

- | | | |
|----------------------------------|--------------------------------|------------------------------------|
| 5- Minor Lot Subd.
(Approval) | 200 N & 300 W
Gateway North | Leavitt Foundation/
InSite Eng. |
|----------------------------------|--------------------------------|------------------------------------|

Ron L. said again, this is the same property. Some wondered just why they now needed to split off a parcel. Ron explained that the overall property was combined when it went from SUU to the foundation. In order to move ahead with the buildings to the south while the other is being changed on the Land Use and also the zoning, they will split off that top parcel that would house that most northerly building in order to begin on the other two that are already in the proper zone.

Fred made the motion to approve the minor lot subdivision, seconded by Jill and the vote was unanimous.

II. Staff Items

1- City Park Location Discussion

Kit Wareham

Kit said as Austin Bingham from parks was present, he would let him explain the City Parks and how space was chosen. The Planning Commission had questions on how City park locations were determined and in what areas.

CEDAR CITY RESOLUTION NO. _____

A RESOLUTION OF THE CEDAR CITY COUNCIL AMENDING THE CEDAR CITY GENERAL LAND USE PLAN; CHANGING THE DESIGNATION ON APPROXIMATELY 1.65 ACRES OF PROPERTY FROM HIGHWAY AND REGIONAL COMMERCIAL SERVICES AND MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL IN THE VICINITY OF 200 NORTH AND 300 WEST.

WHEREAS, Cedar City has adopted a general land use plan in accordance with the Utah Municipal Land Use Development and Management Act, UCA §10-9a-101 et. sec.; and

WHEREAS, The owner of approximately 1.65 acres of land located in the vicinity of 300 West and 200 North has petitioned Cedar City to amend the general land use designation so that the entire 1.65 acre parcel of land would be designated High Density Residential pursuant to Cedar City's General Land Use Plan; and

WHEREAS, the property subject to the requested amendment to the City's General Land Use Plan currently has two general land use designations. The portion of the property fronting 200 North is designated Highway and Regional Commercial Services. The portion of the property that is not fronting 200 North is designated Medium Density Residential; and

WHEREAS, the entire property that is subject to this amendment to the Cedar City General Land Use Plan is more particularly described as:

BEGINNING AT THE N.E. CORNER OF BLOCK 33, PLAT "B", CEDAR CITY TOWNSITE SURVEY, CEDAR CITY, UTAH; THENCE ALONG THE BLOCK LINE S0°44'55"E, 363.00 FEET; THENCE S89°41'05"W, 198.15 FEET TO THE CENTER OF BLOCK 33; THENCE ALONG SAID CENTER OF BLOCK 33, N0°46'08"W, 363.00 FEET TO THE NORTH BLOCK LINE; THENCE ALONG SAID BLOCK LINE N89°41'05"E, 198.28 FEET TO THE POINT OF BEGINNING.

WHEREAS, pursuant to UCA §10-9a-404 the Cedar City Planning Commission duly posted and held a public hearing regarding the requested general land use plan amendment, said public hearing was held on October 20, 2015; and

WHEREAS, after receiving the public comment, if any, the planning commission gave a positive recommendation to the City Council to change the general land use designation from Highway and Regional Commercial Services and Medium Density Residential to High Density Residential; and

WHEREAS, the current land use designation of the property located immediately to the East and adjacent to the property herein described has a general land use designation of mixed use which master plans the development of the property with a maximum of 30 residential units per acre; and

WHEREAS, the proposed high density housing general land use designation for the herein described property has a planned maximum density of 24 units per acre; and

WHEREAS, the Cedar City Council finds that the proposed change in land use designation is consistent with the Cedar City General Land Use Plan.

NOW THEREFORE, be it resolved by the City Council of Cedar City, State of Utah, that the land use designation for the property described herein is hereby amended from a combination of Highway and Regional Commercial Services and Medium Density Residential to High Density Residential.

This resolution, Cedar City Resolution No. _____, shall take effect immediately upon passage.

AYES _____ NAYS _____ ABSTAINED _____

Dated this _____ day of _____, 2015.

MAILE L. WILSON
MAYOR

[SEAL]
ATTEST:

RENON SAVAGE
CITY RECORDER

CEDAR CITY ORDINANCE NO. _____

AN ORDINANCE OF THE CEDAR CITY COUNCIL AMENDING CEDAR CITY'S ZONING DESIGNATION TO RESIDENTIAL – 3, Dwelling Multiple Unit (R-3-M), ON APPROXIMATELY 1.65 ACRES OF PROPERTY LOCATED IN THE VICINITY OF 200 NORTH AND 300 WEST.

WHEREAS, the owners of property located in the vicinity of 200 North and 300 West have petitioned Cedar City to change current zoning designation so that the entire approximately 1.65 acres of property will be zoned Residential – 3, Dwelling Multiple Unit (R-3-M), the entire proposed for re-zoning is more particularly described as follows:

BEGINNING AT THE N.E. CORNER OF BLOCK 33, PLAT "B", CEDAR CITY TOWNSITE SURVEY, CEDAR CITY, UTAH; THENCE ALONG THE BLOCK LINE S0°44'55"E, 363.00 FEET; THENCE S89°41'05"W, 198.15 FEET TO THE CENTER OF BLOCK 33; THENCE ALONG SAID CENTER OF BLOCK 33, N0°46'08"W, 363.00 FEET TO THE NORTH BLOCK LINE; THENCE ALONG SAID BLOCK LINE N89°41'05"E, 198.28 FEET TO THE POINT OF BEGINNING.

WHEREAS, after providing public notice as required by City ordinance the Cedar City Planning Commission considered the proposed amendments to the City's zoning ordinance and found that the amendments are reasonably necessary, are in the best interest of the public, and are in harmony with the objectives and purposes of Cedar City's zoning ordinance. The Planning Commission has given the proposed zone changes a positive recommendation; and

WHEREAS, the City Council after duly publishing and holding a public hearing to consider the proposed zoning amendments finds the proposed amendments further the City's policy of establishing and maintaining sound, stable, and desirable development within the City, and promoting more fully the objectives and purposes of the City's zoning ordinance or to corrects manifest errors.

NOW THEREFORE BE IT ORDAINED by the City Council of Cedar City, State of Utah, that the City's zoning designation be amended so that the above described land is designated Residential – 3, Dwelling Multiple Unit (R-3-M), and that City staff is hereby directed to make the necessary changes to the City's zoning map.

Remainder of page intentionally left blank.

This ordinance, Cedar City Ordinance No. _____, shall become effective immediately upon passage by the City Council, signed by the Mayor and Recorder and published in accordance with State Law.

Dated this _____ day of April, 2015.

MAILE L. WILSON
MAYOR

[SEAL]
ATTEST:

RENON SAVAGE
RECORDER

CEDAR CITY COUNCIL
AGENDA ITEMS - 4
DECISION PAPER

TO: Mayor and City Council

FROM: City Attorney

DATE: November 16, 2015

SUBJECT: Resolution establishing a no fee waiver policy

DISCUSSION:

Attached is a resolution that would establish a no fee waiver policy. Please read the resolution as it sets forth out the justification for not waiving fees. If there are reasons you would like to add or omit please let me know.

If approved it would be the City's policy to not waive fees. Please consider this policy carefully as it would be up to staff with the close cooperation and support of the City Council to hold to the resolution the next time someone requests a fee waiver.

CEDAR CITY RESOLUTION NO. _____

A RESOLUTION OF THE CEDAR CITY COUNCIL ESTABLISHING A POLICY RELATED
TO FEE WAIVERS.

WHEREAS, Cedar City Corporation provides a wide variety of public services and owns and operates a wide variety of public facilities; and

WHEREAS, the services provided and facilities owned and operated by Cedar City all cost money to provide and operate; and

WHEREAS, the City derives income from various sources, the largest source of income to Cedar City is tax revenue. The City's tax revenue comes from various sources, including but not limited to property tax and sales tax; and

WHEREAS, the City's tax revenue either covers or subsidizes the costs of providing services, owning facilities, and maintaining the City's facilities; and

WHEREAS, Cedar City has deemed it necessary to charge a fee to users of various City facilities and/or programs in order to defray the cost of these facilities and/or programs in a manner and in an amount that keeps the entire financial burden of City facilities and/or programs from falling entirely on the general tax base of Cedar City and more directly impacts those that use the individual facilities or programs; and

WHEREAS, in order to notify the public what fees are being charged the City has adopted a consolidated fee schedule. The City's fee schedule is reviewed annually in conjunction with adoption of the City's budget; and

WHEREAS, from time to time various organizations have petitioned the City to waive fees the City charges for various services or the use of various facilities; and

WHEREAS, the fee waiver requests are typically for some cause or function that would have a positive impact on the community; and

WHEREAS, each fee waiver places the burden of making up the lost revenue opportunity on the general tax revenue of Cedar City; and

WHEREAS, the City Council has faced the difficult task of sifting through the positive causes that request fee waivers and balancing the requested waiver of fees with the cost to the overall tax payer; and

WHEREAS, in the recent past the Cedar City Council has been very reluctant to waive fees; and

WHEREAS, the City Council has considered the issue of fee waivers and believes it is in

the best interest of the overall tax base of Cedar City to not engage in fee waivers.

NOW THEREFORE be it resolved by the City Council of Cedar City, State of Utah, that the City Council establishes a policy that it will not waive the fees charged in the City's consolidated fee schedule.

This Resolution, Cedar City Resolution No. _____, shall take effect immediately upon passage by the City Council.

Ayes _____ Nays _____ Abstained _____

Dated this ____ day of _____, 2015.

MAILE L. WILSON
MAYOR

[SEAL]
ATTEST:

RENON SAVAGE
CITY RECORDER

**CEDAR CITY COUNCIL
AGENDA ITEM 5**

INFORMATION SHEET

TO: Mayor and City Council

FROM: Renon Savage

DATE: November 16, 2015

SUBJECT: 2016 Meeting Schedule

DISCUSSION: The following is a draft schedule for the 2016 City Council meetings. Our work meetings will be the first and third Wednesday of each month and the action meetings the second and fourth Wednesday, with no meeting on the fifth Wednesday, unless noted on the calendar. Changes that have been made are as follows:

March 23rd we will have an action and then a work meeting. No meeting on the 30th which is a 5th Wednesday.

April 6th, this is the Utah League of Cities and Towns Mid-Year conference in St. George, and we will not have a meeting that night.

September 14th is the Utah League of Cities and Towns annual conference in Salt Lake, no meeting that night. We will hold an action and work meeting on the 21st.

November 23rd we will have no meeting that is the day before Thanksgiving. We will hold an action meeting on the 30th which is a fifth Wednesday.

December 21st and 28th no meeting.

January 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 New Year's Holiday	2
3	4	5	6 Work Meeting	7	8	9
10	11	12	13 Action Meeting	14	15	16
17	18 Civil Rights Day Holiday	19	20 Work Meeting	21	22	23
24	25	26	27 Action Meeting	28	29	30
31						

February 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3 Work Meeting	4	5	6
7	8	9	10 Action Meeting	11	12	13
14	15 Presidents' Day Holiday	16	17 Work Meeting	18	19	20
21	22	23	24 Action Meeting	25	26	27
28	29					

March 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2 Work Meeting	3	4	5
6	7	8	9 Action Meeting	10	11	12
13	14	15	16 Work Meeting	17	18	19
20	21	22	23 Action Meeting & Work Meeting	24	25	26
27	28	29	30 No Meeting	31		

April 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
3	4	5	6 No Meeting - ULCT Mid-Year Conf. St. George	7 ULCT Mid-Year Conf. St. George	8 ULCT Mid-Year Conf. St. George	9
10	11	12	13 Action Meeting	14	15	16
17	18	19	20 Work Meeting	21	22	23
24	25	26	27 Action Meeting	28	29	30

May 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4 Work Meeting	5	6	7
8	9	10	11 Action Meeting	12	13	14
15	16	17	18 Work Meeting	19	20	21
22	23	24	25 Action Meeting	26	27	28
29	30 Memorial Day Holiday	31				

June 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 Work Meeting	2	3	4
5	6	7	8 Action Meeting	9	10	11
12	13	14	15 Work Meeting	16	17	18
19	20	21	22 Action Meeting	23	24	25
26	27	28	29 No Meeting	30		

July 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 Independence Day Holiday	5	6 Work Meeting	7	8	9
10	11	12	13 Action Meeting	14	15	16
17	18	19	20 Work Meeting	21	22	23
24 Pioneer Day	25 Pioneer Day Holiday	26	27 Action Meeting	28	29	30
31						

August 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 Work Meeting	4	5	6	
7	8	9	10 Action Meeting	11	12	13
14	15	16	17 Work Meeting	18	19	20
21	22	23	24 Action Meeting	25	26	27
28	29	30	31 No Meeting			

September 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5 Labor Day Holiday	6	7 Work Meeting	8	9	10
11	12	13	14 ULCT Annual Conference Salt Lake City	15 ULCT Annual Conference Salt Lake City	16 ULCT Annual Conference Salt Lake City	17
18	19	20	21 Action Meeting & Work Meeting	22	23	24
25	26	27	28 Action Meeting	29	30	

October 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5 Work Meeting	6	7	8
9	10	11	12 Action Meeting	13	14	15
16	17	18	19 Work Meeting	20	21	22
23	24	25	26 Action Meeting	27	28	29
30	31					

November 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2 Work Meeting	3	4	5
6	7	8	9 Action Meeting	10	11 Veterans Day	12
13	14	15	16 Work Meeting	17	18	19
20	21	22	23 No Meeting	24 Thanksgiving Holiday	25 Thanksgiving Holiday	26
27	28	29	30 Action Meeting			

December 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7 Work Meeting	8	9	10
11	12	13	14 Action Meeting	15	16	17
18	19	20	21 No Meeting	22	23	24
25 Christmas	26 Christmas Holiday	27	28 No Meeting	29	30	31